



April 7, 2003

ENGROSSED SENATE BILL No. 416

DIGEST OF SB 416 (Updated April 3, 2003 10:31 AM - DI 96)

Citations Affected: IC 9-26; IC 34-30.

Synopsis: Motor vehicle accident reports. Provides that certain reports pertaining to motor vehicle accidents are confidential with respect to certain attorney or agents of attorneys for the first five working days after filing with a public agency. Provides that a person who releases confidential information commits a Class A misdemeanor. Provides that a person who obtains or attempts to obtain confidential information when the person knows that the person is not entitled to receive the information commits a Class A misdemeanor.

Effective: July 1, 2003.

Waterman

(HOUSE SPONSORS — RESKE, FRIZZELL)

January 21, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.

February 13, 2003, reported favorably — Do Pass.

February 18, 2003, read second time, ordered engrossed.

February 19, 2003, engrossed.

February 20, 2003, read third time, passed. Yeas 28, nays 20.

HOUSE ACTION

March 4, 2003, read first time and referred to Committee on Roads and Transportation.

April 7, 2003, amended, reported — Do Pass.

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ES 416—LS 7706/DI 96+



April 7, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 416

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-26-2-3 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2003]: Sec. 3. A report filed by a law
3 enforcement officer under section 2 of this chapter is ~~not~~ a confidential
4 record **as set forth in IC 9-26-4.5** and shall be made available for
5 inspection and copying ~~under IC 5-14-3~~ **only in the manner provided**
6 **by IC 9-26-4.5.**

7 SECTION 2. IC 9-26-4.5 IS ADDED TO THE INDIANA CODE
8 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2003]:

Chapter 4.5. Release of Accident Reports

10 **Sec. 1. A report of a vehicle accident that is required to be filed**
11 **under:**

- 12 (1) IC 9-26-1-1(4);
13 (2) IC 9-26-1-2(3);
14 (3) IC 9-26-1-5;
15 (4) IC 9-26-1-6(a);
16 (5) IC 9-26-1-6(b); or
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(6) IC 9-26-2-2;
 is confidential with respect to an attorney or an agent of the attorney unless the attorney or agent is the legal representative of:
 (1) a party involved in the vehicle accident; or
 (2) an owner of property that was damaged during the vehicle accident.

Sec. 2. An agency that receives reports required to be filed as set forth in section 1 of this chapter shall inquire of a person requesting a report if the person is an attorney or an agent of an attorney. If the person requesting the report is an attorney or an agent of an attorney, the agency shall deny a copy of the report to the person, unless the person is a member of the category listed in section 1(1) or 1(2) of this chapter.

Sec. 3. A report filed as set forth under section 1 of this chapter may be disclosed to any person five (5) working days after its filing, notwithstanding any statutory provision to the contrary.

Sec. 4. (a) A public employee, a public official, or an employee or officer of a contractor or subcontractor of a public agency, except as provided by IC 4-15-10, who knowingly or intentionally discloses information classified as confidential by this chapter commits a Class A misdemeanor.

(b) A public employee may be disciplined in accordance with the personnel policies of the agency by which the employee is employed if the employee intentionally, knowingly, or recklessly discloses or fails to protect information classified as confidential by this chapter.

(c) A public employee, a public official, or an employee or officer of a contractor or subcontractor of a public agency who unintentionally and unknowingly discloses confidential or erroneous information in response to a request under this chapter or who discloses confidential information in reliance on an advisory opinion by the public access counselor is immune from liability for the disclosure.

Sec. 5. A person who, knowing that the person is not entitled to obtain information considered confidential by this chapter, obtains or attempts to obtain the information commits a Class A misdemeanor.

SECTION 3. IC 34-30-2-31.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 31.5. IC 9-26-4.5-10 (Concerning a public employee or officer of a contractor or subcontractor of a public agency for disclosure of certain confidential or erroneous

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1 information relating to a motor vehicle accident.)

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COMMITTEE REPORT

Mr. President: The Senate Committee on Criminal, Civil and Public Policy, to which was referred Senate Bill No. 416, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 416 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 6, Nays 4.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 416, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 5.

Page 2, line 9, after "record" insert "**as set forth in IC 9-26-4.5**".

Page 2, line 15, delete "As used in this chapter, "free distribution newspaper"".

Page 2, delete lines 16 through 42.

Page 3, delete lines 1 through 4.

Page 3, line 5, delete "Sec. 6. Except as provided in section 7 of this chapter, a" and insert "**A**".

Run in page 2, line 15 through page 3, line 5.

Page 3, line 6, after "accident" insert "**that is**".

Page 3, line 13, delete "and may not be disclosed to a person for a period of" and insert "**with respect to an attorney or an agent of the attorney unless the attorney or agent is the legal representative of:**

(1) a party involved in the vehicle accident; or

(2) an owner of property that was damaged during the vehicle accident."

Page 3, delete lines 14 through 39, begin a new paragraph and insert:

"Sec. 2. An agency that receives reports required to be filed as set forth in section 1 of this chapter shall inquire of a person requesting a report if the person is an attorney or an agent of an attorney. If the person requesting the report is an attorney or an agent of an attorney, the agency shall deny a copy of the report to the person, unless the person is a member of the category listed in section 1(1) or 1(2) of this chapter."

Page 3, line 40, delete "9." and insert "**3**".

Page 3, line 40, delete "6" and insert "**1**".

Page 3, line 41, delete "sixty (60)" and insert "**five (5) working**".

Page 4, line 1, delete "10." and insert "**4**".

Page 4, line 18, delete "11." and insert "**5**".

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Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to SB 416 as printed February 14, 2003.)

RESKE, Chair

Committee Vote: yeas 8, nays 5.

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